

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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MARINA L. GAST,

Case No. 2:16-cv-02890-MMD-PAL

Plaintiff,

ORDER

V.

ALASKA AIRLINES, INC.,

Defendant.

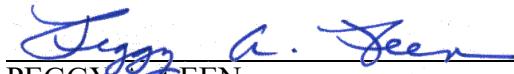
12 Before the court is the parties' Stipulated Discovery Plan and Scheduling Order (ECF No.
13 25). The proposed plan would require the parties to exchange initial disclosures only after
14 defendant's pending motion to dismiss is decided, any amended complaint allowed filed and
15 subsequent motions to dismiss decided. The proposed plan would establish a November 19, 2018
16 discovery cutoff. However, it is clear the parties have no intention of conducting any discovery
17 until after the "pleading have closed", i.e., until after the district judge determines whether plaintiff
18 may proceed with one or more claims.

19 A pending potentially dispositive motion is not ordinarily sufficient to stay or delay
20 discovery until after decision of preliminary motions to dismiss challenging the sufficiency of the
21 complaint. However, the court has taken a “preliminary peek” at the motion to dismiss which
22 raises substantial statute of limitations issues. Having reviewed and considered the matter, the
23 court will deny the parties’ proposed discovery plan, but will grant a stay of discovery until after
24 decision of the pending Motion to Dismiss (ECF No. 11). The court will require the parties to
25 submit a proposed discovery plan and scheduling order 14 days of decision on the motion to
26 dismiss should any claim survive. However, the court will not stay the parties’ requirement to
27 attend a mandatory early neutral evaluation before The Honorable George W. Foley currently
28 scheduled for March 2, 2018 at 9:00 a.m.

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IT IS SO ORDERED:

- 2 1. The parties proposed discovery plan and scheduling order is not approved and is
3 **DENIED.**
4 2. The parties shall submit a proposed discovery plan and scheduling order within 14 days
5 of decision of the pending motion to dismiss in the event any claim survives.
6 3. A temporary stay of discovery is entered until after decision of the defendant's pending
7 motion to dismiss.
8 4. The request to stay the ENE scheduled for March 2, 2018 before the Honorable George
9 W. Foley is DENIED.

10 DATED this 4th day of January 2018.

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13 PEGGY A. LEEN
14 UNITED STATES MAGISTRATE JUDGE
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